

**MINUTES
BOARD OF APPEALS
Monday, June 17, 2013
City Hall, Room 604
5:30 p.m.**

MEMBERS PRESENT: D. Carlson, J. Bunker, J. Reck, R. Marx

MEMBERS EXCUSED: B. Maccaux

OTHERS PRESENT: P. Neumeyer, Ald. Tom De Wane, S. LaViolette, F. Kerry, B. Froistad, D. Vogel, J. Schmidt, Dan Mangless, and A. Heyrman

D. Carlson called the meeting to order and asked the Board if anyone needed to abstain from voting; all replied no. He asked if any members had gone to the properties or talked to anyone regarding the requests; all replied no. D. Carlson stated he visited 2868 Antler Trail for Item #2 and 1001 Auto Plaza Drive for Item #4.

APPROVAL OF MINUTES:

Approval of the May 20, 2013, minutes of the Board of Appeals

A motion was made by J. Reck and seconded by J. Bunker to approve the May 20, 2013, minutes of the Board of Appeals. Motion carried 4-0.

NEW BUSINESS:

1. Dan LaViolette, property owner, proposes to pour a cement slab in a rear yard for a sports court located in a Low Density Residential (R1) District at 323 Michelle Court. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-615, Table 6-4, maximum size detached accessory uses.

Sam LaViolette, 323 Michelle Court – She provided pictures to the Board members of the slope of the driveway. The applicant is concerned for the safety of the three young children at the home because when they play sports, the equipment tends to roll down the sloped driveway towards the street. There are also speeding vehicles on the road. The applicant would like the children contained in the backyard but still able to play sports. The slab would be surrounded by trees. S. LaViolette received signatures from all adjacent neighbors consenting to the project.

J. Reck asked the applicant if she considered making the slab smaller to comply with structure size. P. Neumeyer said the use is allowed. The deviation from the code is that the total amount of square footage of the accessory structures on the property –a detached shed, an attached garage, and the proposed cement slab – would be larger than the footprint of the principal structure.

Some discussion ensued regarding what constitutes a structure by definition.

Ald. De Wane spoke on behalf of the applicant and strongly recommends approval of the variance request.

J. Reck asked what the use of the slab would be after the applicant's children move away. S. LaViolette said it would remain a sports court.

J. Reck said the sports court as described on the variance application is listed as being 1,380 square feet. However, the site plan indicates it is 1,536 square feet. S. LaViolette said it was just an error; the 1,536-square-foot size is correct.

D. Carlson said he does not feel the cement slab is a structure. For that reason, he is in support of the variance request.

A motion was made by J. Reck and seconded by J. Bunker to approve the request to pour a cement slab in a rear yard for a sports court located in a Low Density Residential (R1) District at 323 Michelle Court. Motion carried 4-0.

2. Fred Kerry, property owner, proposes to install a driveway along the property line to access an existing carport in a Low Density Residential (R1) District at 2868 Antler Trail. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1709(b)(1), interior yard setbacks for parking areas.

Fred Kerry, 2868 Antler Trail – He stated that because of the angle of the side yard, he does not have access to his carport.

D. Carlson asked if the applicant or a previous owner built the carport. F. Kerry said he built it a year ago.

D. Carlson asked if the applicant considered access to the carport prior to construction a year ago. F. Kerry said he did consider access at that time but admits to making an error in judgment. He is trying to fix that error now.

J. Bunker commented that if the applicant installed a driveway and stayed the required 2½ feet off the property line, the carport would be accessible. F. Kerry said if a larger vehicle was in the driveway, you could not slip past it to access the carport.

Bethann Froistad, 545 Antelope Trail – She owns the property adjacent to the applicant's. Her concern is maintaining the integrity of the corner lot, which already has some limited setbacks.

D. Carlson said his concern is that the problem was self-created when the carport was constructed. There are other ways to gain access without deviation from the code requirements.

A motion was made by J. Bunker and seconded by J. Reck to table the request to install a driveway along the property line to access an existing carport in a Low Density Residential (R1) District at 2868 Antler Trail for 30 days to give the applicant time to design an alternate plan. Motion carried 4-0.

3. Don Vogel, property owner, proposes to widen an existing driveway for a two-family use located in a Low Density Residential (R1) District at 2749-2751 Woodruff Court. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1705, residential drives.

Don Vogel, 921 Ruffed Grouse Street – He is requesting a variance for his property located at 2749-2751 Woodruff Court to widen the driveway by five feet on each side. His brother with cerebral palsy will eventually move into one side of this property. His transportation is a series of large vans with ramps that barely function in a single-stall driveway. He is proposing this variance for both sides of the property because he is not sure which side his brother will be occupying.

A motion was made by J. Reck and seconded by J. Bunker to approve the request to widen an existing driveway for a two-family use located in a Low Density Residential (R1) District at 2749-2751 Woodruff Court. Motion carried 4-0.

4. Jared Schmidt, Robert E. Lee & Associates, Inc., on behalf of Grandrud Chevrolet Nissan owner, proposes to expand two existing parking lots in a General Commercial (C1) District at 1001 Auto Plaza Drive. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code Section 13-1821, interior lot landscaping.

Jared Schmidt from Robert E. Lee & Associates, 4664 Golden Pond Park Court – He is representing Gandrud Chevrolet. The applicant would like a variance to deviate from the green space requirement in a parking area. This requirement is a challenge operationally and also from a volume standpoint. The applicant would like to remove the required islands because of snow storage – a large amount of manpower would be required to maintain the parking lots. From a logistics standpoint, space for over 50 vehicles would be lost if the green space islands would be installed.

D. Carlson said there are islands there now. At one point, the owner of the property must have found it a reasonable thing to do. Dan Mangless, owner of Gandrud Chevrolet Nissan, responded that the building had to be constructed very quickly due to a bankruptcy threat, and time was not taken to request a variance.

J. Bunker asked the applicant if, in the future, he would request to enlarge the parking lot again. D. Mangless said that is not his intention.

J. Bunker said on the face of the ordinance, he would vote to deny the variance. However, there are some mitigating circumstances. The ordinance does not separate regular retail parking lots from this type of “storage” lot that holds merchandise. He believes there should be that distinction and supports the variance request.

A motion was made by J. Reck and seconded by R. Marx to approve the request to expand two existing parking lots in a General Commercial (C1) District at 1001 Auto Plaza Drive. Motion carried 4-0.

5. Andy Heyrman, property owner, proposes to remove and replace an existing driveway located in a Low Density Residential (R1) District at 1214-1216/1218-1220 Shadow Lane. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-609, maximum impervious surface, and Section 13-1709(a)(1), interior side yard setbacks for parking areas.

Andy Heyrman, owner of 1214-1216/1218-1220 Shadow Lane – He would like to remove and replace the existing driveways at the properties on Shadow Lane, as well as install a storm

water management system. The properties were purchased in this condition in 2006. There is currently 46.7% green space on the property, and the ordinance requires 50%.

A motion was made by J. Bunker and seconded by R. Marx to approve the request to remove and replace an existing driveway located in a Low Density Residential (R1) District at 1214-1216/1218-1220 Shadow Lane. Motion carried 4-0.

A motion was made by J. Bunker and seconded by J. Reck to adjourn the meeting at 6:35 p.m. Motion carried 4-0.

Meeting adjourned.